Wake Forest JURIST

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Legal RESEARCH and WRITING

Teaching the Tools of the Lawyer's Trade

Winter 2004

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The events of this year are great examples of the many opportunities our students have to further their legal education outside of the classroom.

IN MY WELCOME TALK on the first day of orientation, I tell our first-year students that a good deal of the education at the law school takes place outside of the formal classroom setting. I tell them that if they do not take advantage of the myriad extracurricular educational opportunities during their three years of law school, they are wasting part of their tuition. The events of this year are great examples of the many opportunities our students have to further their legal education outside of the classroom.

The month of September was a whirlwind of such activities. September opened with Lord Harry Woolf, the Chief Justice of England and Wales, visiting us for three days and talking to both students and faculty in various settings. The following week, for the 11th straight year, the North Carolina Court of Appeals heard oral arguments in real appeals in our courtroom. The next week, Associate Justice Randy Holland of the Delaware Supreme Court visited us for two days. Justice Holland is President of the American Inns of Court Foundation as well as a member of the highest court of the state where internal corporate governance law is made. He was the featured speaker for our Inn of Court chapter, which has over 60 student members. He also appeared with Professor Alan Palmiter and co-taught a Corporations class. Finally, during the last week of September, we had Anthony Lewis, longtime Supreme Court correspondent for the *New York Times* and author of *Gideon's Trumpet*, as a guest for two days, making two different talks to our students. The first-year students had read *Gideon's Trumpet* last summer and discussed it in small faculty-led groups on the first day of orientation.

Judges, practicing lawyers, and professors from other law schools come to Wake Forest for lectures or programs virtually daily. Wednesdays and Thursdays during the noon hour we deliberately do not schedule classes, so that student groups can meet. During these times, outside speakers are brought in by student organizations such as the Criminal Law Roundtable, Sports and Entertainment Law Association, and Women in Law. The subjects this past semester have often been current issues, such as the balance between fighting terrorism and civil liberties and legal issues highlighted by the Kobe Bryant trial.

One of the great programs at the law school over the last several years has been our "Conversation with . . ." series, which was founded by Professor Charley Rose with help from Professors Suzanne Reynolds and Miles Foy. The series format is an informal conversation with role model lawyers and judges telling us about their lives in the law. By the time this issue of the *Jurist* is published, our next "Conversation with . . ." series interview will have taken place with Justice Rosalie Abella of the Court of Appeal for Ontario. Justice Abella was the first woman judge in Canada and was appointed while she was pregnant with her first child. She is the daughter of two holocaust prison camp survivors who migrated to Canada after World War II.

Other student organizations also provide extracurricular opportunities to inculcate the values of the profession in public service, such as our Public Interest Law Organization and the Domestic Violence Advocacy Center (DVAC). This latter group was part of a consortium organized by Professor Suzanne Reynolds and alumnus Judge Bill Reingold, with the Forsyth County Bar Association, which won the prestigious Harrison Tweed Award for this project from the ABA. Student and lawyer volunteers provide representation to victims of domestic violence at the ten-day hearing held to determine whether the protective order issued against the abuser ex parte should become final. A student in the DVAC program noted: "It provides desperately needed services to victims of domestic violence, and it gives students the opportunity to get into a true court proceeding where they're not doing a classroom project."

In the context of advocacy education, students can hone their skills in competitions and programs organized by the Moot Court Board, Student Trial Bar, and the Chief Justice Joseph Branch Inn of Court. The Moot Court Board organizes two internal appellate advocacy competitions, the first-year competition, now named after Professor George K. Walker, and the Judge Edwin M. Stanley competition for second- and third-year students. In addition, we field 11 teams in interscholastic competitions against other law schools held all over the nation. At the trial level, the Student Trial Bar organizes a first-year competition, as well as the upperclass Zeliff Trial Competition. We also field three trial teams in the two most prestigious national competitions. When you consider that we have a fairly small student body, graduating approximately 150 students each year, our law school provides more opportunities per student to participate in advocacy competitions than almost any other law school.

Most of our students do make the most of their tuition by taking advantage of these extracurricular educational opportunities. Several years ago, we had a student who over her three years here was at every law school event that I attended. In her last week, we had a prominent speaker in the auditorium that I was about to introduce when I noticed that she was not in the crowd. I began wondering whether she was sick when she arrived. She had come from another law school event in another room. ⚖

— Dean Robert K. Walsh

Judges, practicing lawyers, and professors from other law schools come to Wake Forest for lectures or programs virtually daily.

Summer Leadership Conference

IN LATE JULY, the law school held its fourth annual Summer Leadership Conference for approximately 40 of its top volunteer leaders at The Homestead in Hot Springs, Virginia. For the first time, the conference was conducted as a joint session with the University Board of Trustees.

The conference theme was "Ethics Post-Enron," and a diverse group of experts participated in discussion panels on the evolving role of ethics in corporate governance, corporate law, and litigation. The goal of the conference was to explore the impact of the Enron/WorldCom scandals (and the legislation it spawned) on corporate governance and substantive areas of the legal profession. To wrap up the conference, Dean Walsh, Dean Foy, and Professor Suzanne Reynolds provided conference attendees with an in-depth look at how the law school integrates the teaching of ethics and professionalism into its curriculum and programs.

Panelists and speakers included: Norm Veasey, Chief Justice of the Supreme Court of Delaware and Ben Tennille, Special Judge of the North Carolina Business Court. Trustee participants included Andy Schindler, CEO of R.J. Reynolds Holdings; Glen Orr, former CEO of Southern National Bank; and Martin Garcia (JD '81), of Pinehill Capital Partners.

Law alumni panelists included: Bill Burchette (JD '70) of Washington, DC; Scott Burton ('82, JD '86) of Atlanta; Gene Pridgen ('75 MBA, JD '78) and John Yorke (JD '79) of Charlotte; Tom Sager (JD '77) of Wilmington, Delaware; Jeff Wigington (JD '92) of Corpus Christi, Texas; and Catharine Arrowood ('73, JD '76) and Howard Twiggs ('54, JD '57) of Raleigh.

Next year's Summer Leadership Conference will be held as part of a joint meeting with other leadership groups from across the University, including the College and the Babcock, Divinity, and Medical Schools. ⚖

Lord Chief Justice of England and Wales Visits Law School

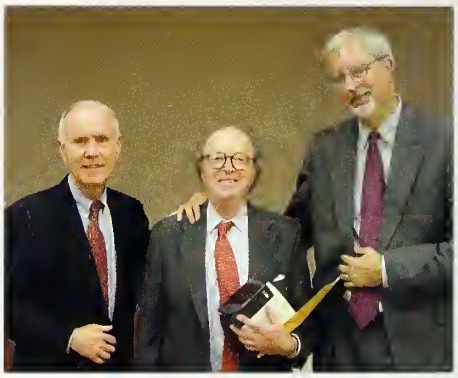
THE LAW SCHOOL was honored to host Lord Harry Woolf, Lord Chief Justice of England and Wales, and his wife when they visited the Wake Forest campus for several days in September. They do not often visit the United States or its law schools, so this was a special occasion for both Lord and Lady Woolf and for the law school community.

Lord Woolf met with University and Law School administrators, alumni, faculty, staff and students during the visit and engaged in numerous informal discussions about the British judicial system. He also more formally discussed the British system in several law school classes including Remedies, International Law and Legal History. His vast knowledge of global affairs coupled with his gracious and humble personality endeared him to every law school constituency.

On the last day of his visit, over 200 members of the Law School community filled the large courtroom to hear him present a talk entitled, "The Changing Judiciary in Our Global Societies." His inspiring address contrasted the U.S. and British judicial systems and focused on a variety of issues including the need for prison reform and better access to justice in both countries. He also emphasized the responsibility of both nations to assist less developed countries with establishing just and humane legal systems. ⚖

Anthony Lewis Speaks at Inaugural Jeff Rupe Lecture Series

ON OCTOBER 1, the Law School hosted Anthony Lewis as the inaugural Jeff Rupe Memorial Lecturer. Jeff Rupe was a member of the Wake Forest Law School class of 1984. He was deeply respected by his professors and peers for his intellectual gifts and his distinctive world view. After graduating from the Law School, Jeff worked as a solo practitioner in Charlotte, North Carolina. He loved to help people and persevered to maintain an active practice despite being diagnosed with an aggressive form of multiple sclerosis. Ultimately, his medical condition forced him to close his practice, and he died in his sleep of a stroke in June 2001.



Anthony Lewis (center) with Dean Walsh and Dean David Logan

The Jeff Rupe Memorial Lecture was spearheaded by David Logan, now dean at the Roger Williams University School of Law, who was one of Jeff's professors and a devoted friend. With support from other friends and the Rupe family, the Jeff Rupe Memorial Lecture was developed to honor

the special contributions that Jeff made to the Law School and to the legal profession. He was always passionate about the intricacies of constitutional law and enjoyed debating contemporary constitutional issues. It was fitting that the first Rupe Lecturer was Anthony Lewis, one of the great voices of civil liberties in the twentieth century.

Lewis, a columnist for the *New York Times* and a two-time Pulitzer Prize winner, wrote several books that examine American constitutional rights. One of his most famous books was *Gideon's Trumpet*, a widely acclaimed chronicle of the events leading to the landmark US Supreme Court decision of *Gideon v. Wainwright*. This case fundamentally changed our nation's judicial process by insuring that even the poorest defendants have a right to legal counsel in serious criminal cases. Lewis warned that this right, and others that Americans have come to take for granted, may be in danger as the United States reacts to the tragic events of 9/11 and other terrorist threats. He particularly noted the case of Jose Padilla, an American citizen who has been declared an enemy combatant, sent to a Navy prison, and denied the right to legal counsel. He contrasted Padilla's situation with Gideon's and questioned whether the Gideon principles, which were established 40 years ago, were becoming diluted or forgotten. Lewis acknowledged that Padilla, who is accused of plotting with al-Qaida to set off a dirty bomb in the United States, is an unsympathetic character. But he emphasized the importance of protecting the constitutional rights of all Americans, regardless of the circumstances. ⚖

PROFESSOR MARGARET TAYLOR RECEIVES 2003 FRIED EXCELLENCE IN TEACHING AWARD

PROFESSOR MARGARET TAYLOR was selected to receive the 2003 Elmer Fried Award from the American Immigration Lawyers Association (AILA). This award was presented in June at the annual AILA meeting in New Orleans.

Professor Taylor's interest in immigration issues began at an early age. She grew up in El Paso, Texas, where she saw immigration on a daily basis. Later on, she took a mission trip to Mexico during a college spring break. On the way back, her group visited the Los Fresnos INS detention center. This visit was a life-changing event for Professor Taylor and it ultimately shaped her future career.

Professor Taylor Receives Fried Award from AILA First Vice President Deborah Notkin

Determined to critique the laws underlying the injustice she saw on that tour, she enrolled in an immigration class during her first year at Yale Law School and wrote a student paper on INS detention policies. This paper served as the starting point for her first law review article and initiated her scholarly pursuit of immigration issues.

After law school, Professor Taylor clerked for Judge Jerre Williams on the Fifth Circuit, worked for a few years in a law firm, and ultimately sought out a law school professorship. When she interviewed at Wake Forest, she told Dean Walsh that she would be willing to teach a variety of courses, as long as she was also able to teach immigration law. Since then, she has published a number of articles on immigration detention and the deportation of criminal offenders.

The Elmer Fried Award is presented each year to an immigration law professor who is an excellent classroom teacher and scholar, whose activities have had a positive effect on the practice of immigration law, who serves as a mentor to other teachers and practitioners, and who helps build and maintain the community of immigration law teachers.

Based on these criteria, Professor Taylor's colleagues in AILA deemed her imminently qualified to receive this prestigious award. Her teaching skills were honored in 2003 when she won the Wake Forest Teaching Excellence Award. Her scholarship has been widely regarded for its theoretical sophistication as well as its practical focus. She is one of only a few full-time law professors who are active in AILA and contribute regularly to its work, bridging the gap between academic and immigration law practice.

She has also made particularly important contributions to advocacy and litigation efforts in the area of immigration detention. She has testified before Congress on detention issues, regularly submits comments on proposed regulations, and has helped organize amicus briefs on behalf of law professors in cases challenging mandatory and indefinite detention. Her scholarship has laid a theoretical foundation for advocates who represent INS detainees. Professor Taylor participates in advocacy efforts like the Commission on Immigration Reform Consultation on Detention and the Detention Watch Network. She also served on the advisory board of the Vera Institute of Justice Appearance Assistance Program, a pilot project that tested a model of supervised release as an alternative to INS detention.

Professor Taylor's remarkable ability to untangle difficult legal issues and translate them into a form that can be easily understood by both students and colleagues has won her admiration and respect in government circles, in academia, and in the entire advocacy community. Wake Forest Law School honors Professor Taylor for these contributions and congratulates her on receiving the 2003 Elmer Fried Excellence in Teaching Award.

CAROL ANDERSON'S new book, *Anderson on Advocacy*, has just been published by Lexis/Nexis.

ROBERT CHESNEY presented a paper, "Democratic-Republican Societies, Subversion, and the Limits of Legitimate Political Dissent in the Early Republic," in October at a symposium on the relationship between law and loyalty at the University of North Carolina. The paper will be published in a spring issue of the *North Carolina Law Review*. Professor Chesney's essay, "The Proliferation Security Initiative and WMD Interdiction on the High Seas," appeared this fall in both the *National Strategy Forum Review* and the *National Security Law Report*.

TOM CRANDALL has just submitted for publication the fourth edition of his well-received casebook, *Contracts: Problems, Cases & Materials*.

TIM DAVIS spoke recently on the subject of "Current Developments in Amateur and Professional Sports" at a conference sponsored by the Sports and Entertainment Section of the North Carolina Bar Association. In addition, Professor Davis has been appointed to the Contracts Drafting Committee of the National Conference of Bar Examiners.

MICHAEL GREEN presented "Preliminary Draft No. 4" of the Physical Harm, Third Restatement Project at a meeting of Advisors and Members in St. Louis in September. He also presented "Council Draft No. 4" in December to the Executive Council of the American Law Institute. In October, Professor Green spoke on "Pleadings, Motions and Parties" at a workshop for legal assistants at the North Carolina Academy of Trial Lawyers meeting in Asheville. In November, he attended the European Group on Tort Law meeting in Lyon, France, and was elected to chair the meeting of European and other international torts scholars who are drafting *Principles of European Tort Law*. On November 21, he presented a paper entitled "The Future of Proportional Liability" at a Colloquium on "The Future of Torts" at Pace University School of Law.

MARK HALL, along with a researcher from Duke, has written an extensive evaluation for the N.C. Department of Insurance of the proposal by Blue Cross and Blue Shield of North Carolina to convert to for-profit status. Also, an article based on this research is being published by the *Milbank Quarterly*. Professor Hall has recently published articles on managed care liability in *Health Affairs* and the *St. Louis University Law Journal*.

JOHN KORZEN presented a paper entitled "Some Overlooked Aspects of Workers' Compensation Appeals in North Carolina Appellate Courts" at the North Carolina Academy of Trial Lawyers Fall Conference in Asheville on October 18.

KATE MEWHINNEY has been appointed Chair of the North Carolina Bar Association's Elder Law Section. She recently gave a presentation on interstate issues with powers of attorney and guardianships at the National Aging and Law Conference, sponsored by the American Bar Association, the National Academy of Elder Law Attorneys, the AARP, and other organizations.

BRIEFS

✧ Dr. Maya Angelou was a guest speaker at the Law School in September. She spoke about the impact of the First Amendment's protections of free speech and expression and on her career as an author and human rights activist. Dr. Angelou has been widely hailed as one of the most important voices in contemporary American literature. She currently holds a lifetime appointment as Reynolds Professor of American Studies at Wake Forest University.

Professor Richard Weisberg of Cardozo School of Law gave a talk at the Law School on October 8. He is a noted expert in French legal history and the conduct of lawyers and judges during the French Holocaust. His talk was entitled "Helping France to Define its Wartime Past. From the Parisian Archives to the Brooklyn Courthouse to the Quai d'Orsay."

✧ The unveiling of the James W. Mason, Jr. portrait took place before a Law Board of Visitors meeting in September. Family members gathered for this event. James Mason was a lifetime member of the Law Board of Visitors and the University Board of Trustees. He demonstrated his deep affection for Wake Forest by giving generously of his time, talents, and finances to the University community.

Tim Takacs, an attorney with prestigious credentials in elder law, presented "Making a Living — and a Good One — in an Elder Law Practice" on November 19 to law school students, staff and faculty.

✧ The North Carolina Court of Appeals held the eleventh annual session of oral arguments at the Law School on September 16. The arguments were held before a panel comprised of Judges John C. Martin, Wanda G. Bryant, and Martha A. Geer.

JOEL NEWMAN has published an interesting new article, "Slave Tax as Sin Tax: 18th and 19th Century Perspectives," in *Tax Notes*.

STEVE NICKLES has just completed the New Concept *Nutshell* on payment systems.

ALAN PALMITER was the keynote speaker in October at the opening convocations of the notarial colleges of Milan and Bologna, Italy. The topic of his talk, translated into Italian, was "The Essential Nature of the Elephant: US Corporate Law." This summer West Publishing Company published the fifth edition of a Corporations casebook co-authored by Professor Palmiter with Jeffrey Bauman of the Georgetown University Law School and Elliott Weiss of the University of Arizona Law School.

WENDY PARKER has had two articles accepted for publication: "The Legal Cost of the 'Split Double Header' of *Gratz* and *Grutter*," to be published in the *Hastings Constitutional Law Quarterly*; and "Considering *Gratz* Through the Lenses of Federalism and School Desegregation," to be published in the *William & Mary Law Review*.

SIMONE ROSE'S article, "Whose Rules Rule? Resolving Ethical Conflicts During the Simultaneous Representation of Clients in Patent Prosecution," was published as the lead article in the *Federal Circuit Bar Journal* this past summer. This article was co-authored with one of our law school's alumnae, Professor Debra Jessup of the Callaway School of Business. Professor Rose also presented a CLE on "Patent Ethics" for the New Hampshire Bar Association and the Franklin Pierce Law School on November 8. She was on the panel for the Alumni Association's December breakfast meeting at the new Biotechnology Park. The topic was "Current Issues in Intellectual Property."

RICHARD SCHNEIDER taught a course in international securities with a focus on the EU and the US in Budapest this past summer at the Central European University.

TOM STEELE'S new casebook/coursebook for law practice management courses has just been published by Lexis/Nexis/Matthew Bender: *Materials and Cases on Law Practice Management: A Learning Tool for Law Students*. Also published was a study originally presented at a symposium at White Plains, NY in November 2002: "The MacCrate Report: Its Impact on Education in Law Practice Management." Professor Steele made a presentation entitled "The MacCrate Report and the Teaching of Law Practice Management in American Law Schools at the beginning of the 21st Century" to the proposed Section on the Practice of Law of the Association of American Law Schools on January 6, 2004, in Atlanta. He is the Chair Elect/Vice Chair of that Section.

GEORGE WALKER has published various articles and book chapters recently: "Principles for Collective Humanitarian Intervention to Succor Other Countries' Imperiled Indigenous Nations," in *American University International Review*; "Application of the Law of Armed Conflict During Operation Allied Force: Maritime Interdiction and Prisoner of War Issues," in *Legal and Ethical Lessons of NATO's Kosovo Campaign*; "Arbitration Clauses," in the *North Carolina Bar Foundation, Basics of International Law for Practitioners Representing Clients in the Global Economy*; "The Lawfulness of Operation Enduring Freedom's Self-Defense Responses," in the *Valparaiso Law Review*; "Definitions for the 1982 Law of the Sea Convention — Part II," in the *California Western International Law Journal*; "Arbitrating Disputes by Agreement," and part of "Canons of Ethics for Arbitrators", in *Alternative Dispute Resolution in North Carolina*. Professor Walker has made numerous appearances and presentations at professional conferences recently, including conferences on terrorism, the law of the sea, arbitration in North Carolina, and the law of war. Professor Walker has received several recent honors: he was elected to membership in the International Institute of Humanitarian Law; he was a participant in the Naval War College Current Strategy Forum, "U.S. Grand Strategy and Sea Power for the 21st Century," in Newport, Rhode Island; and he was awarded the North Carolina Bar Association International Law and Practice Section John J. Dortch Award for distinguished service in international law in October 2003.

RON WRIGHT testified about state sentencing reforms before the Justice Kennedy Commission of the American Bar Association, in Washington, D.C. on November 13. Professor Wright's recent publications include "Honesty and Opacity in Charge Bargains" in the *Stanford Law Review* and the *2003 Supplement* to his Criminal Procedure casebook.

✧ Justice Randy Holland of the Delaware Supreme Court and President of the American Inns of Court Foundation, presented the program for the Chief Justice Joseph Branch Inn of Court meeting on September 24. Justice Holland talked about professional responsibility in his speech entitled "The Bell Tolls for You."

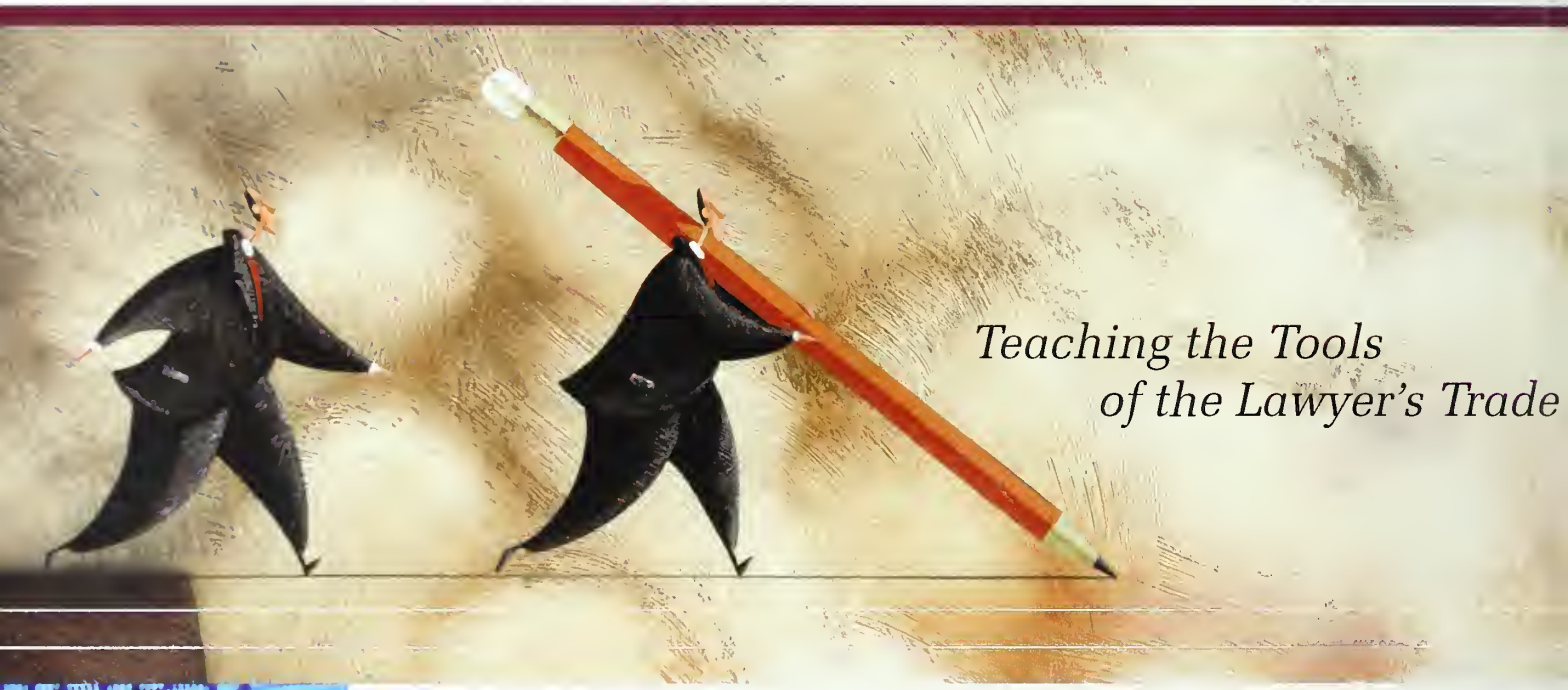
✧ The Inaugural Wilson Lecture in Law and Business at Wake Forest was held on October 21. Lawrence A. Cunningham, Professor of Law and Business at Boston College presented the first lecture. His speech was entitled "How Warren Buffett Naturally Avoided the Tele-Dot-Com Binge." Cunningham is a noted expert on stock valuation and the investing philosophies of Benjamin Graham and Warren Buffett.

✧ The 32nd Annual Edwin M. Stanley Moot Court Competition was held on November 21. Second-year student Megan Johnson won the competition. The panel of judges included Associate Justice Donald W. Lemons of the Supreme Court of Virginia, Vice Chief Justice Ruth V. McGregor of the Supreme Court of Arizona, and Judge Karen Johnson Williams of the U.S. Court of Appeals for the Fourth Circuit.

✧ The annual Partners' Banquet was held on September 19 with Jack Ford, host of "Living it Up with Ali and Jack" (CBS/Kingworld), as the keynote speaker. His topic was entitled "The Effect of High Profile Cases on the Image of Lawyers."

✧ Dr. Yehuda Blum spoke on "The Arab-Israel Conflict — an Israeli Perspective" on November 5. Blum is a permanent representative of Israel to the United Nations; a member of Israel's negotiation team on a peace treaty with Egypt; and Professor of International Law at Hebrew University, Jerusalem.

Legal RESEARCH and WRITING



Teaching the Tools of the Lawyer's Trade

LEGAL RESEARCH AND WRITING SKILLS have always been a part of an education in American law. Recognition of the critical role of these skills in making newly trained law students into productive practitioners has increased dramatically in the last decade. At Wake Forest, the School of Law has made its Legal Research and Writing program highly distinctive, both in the nature of the instruction and its scope. The resulting powerhouse program has produced demonstrable results both in terms of recruiting strong students and in their success in the workplace after graduation.

Dean Walsh says, "We dedicate a lot of resources to this program, ensuring that it is highly interactive, with extensive feedback on student work. That's because we think the one-on-one attention that students get when they are in an LRW section of only twenty students (compared with the national average of forty-three) makes a meaningful difference in creating a solid foundation for the rest of the legal education they will undertake here."

Graduates and those who have hired them pronounce this exceptional emphasis an unconditional success. Dixie Wells, (JD '99) now an associate at Smith Moore says that LRW "was a very practical class that prepared me to produce the kind of work that a law firm requires. I was very comfortable in my summer assignments, when I felt that my research skills compared favorably with those of students from other schools. As a novice lawyer, my research and writing are the key means by which I am judged; in other words, my written product is how my more experienced colleagues evaluate my abilities. Overall, I think that writing clearly and persuasively is gaining in importance, because lawyers spend less time in court, and more time in discovery and motions practice."

Jim Williams (JD '66), a partner at Brooks, Pierce, McLendon, Humphrey & Leonard, reports similar perceptions from the other side of the partner's desk. He says, "It is even evident with first-year students who come to work at our firm in the summer. In my judgment the Wake Forest students write better memos and understand how to do research better than many students from other places."

"I keep a supply of Strunk & White's famous writing guide and hand them out to interns for whom I think they will be useful, but I've never had to give one to a Wake student. The students who come here without strong writing skills are frequently not very successful, and it's awfully hard to improve your writing once you've graduated." Summer interns and permanent hires must earn the trust of the law firm's members, and that takes time. Williams says that in reviewing the work of those new to the firm, he reads the cases cited himself to ascertain that the new recruits have identified the legal issues correctly and appropriately analyzed their pertinence and value. As a result of this careful monitoring over the years, Williams says, "I think the LRW program helps with both the analytical function and written expression. The discipline of learning to write clearly and logically also helps focus the analysis."

Williams' perspective is echoed by Steve Berlin, partner at the Winston-Salem office of Kilpatrick, Stockton (JD '84). He says, "Wake Forest students come to us with the ability to analyze legal issues and the ability to write clearly and persuasively. Often they have been able to put together an excellent product of very strong quality. We have learned that we can count on the quality of the research and writing Wake students do here. They compare quite favorably with those from other schools in terms of research, writing and advocacy skills."

Chief Judge Sidney S. Eagles, Jr. ('61, JD '64) at the North Carolina Court of Appeals, hired a Wake law graduate as his first clerk when he took his seat on the Court of Appeals. That new lawyer was Deborah Leonard Parker, who later in her career spent 17 years as director of the LRW program at Wake Forest and is now Associate Dean for Students and Professor of Legal Writing. Of his experiences with Wake Forest graduates (including but not limited to Dean Parker), Judge Eagles says, "Wake's LRW program is strong, and gives students ample opportunities to prepare documents and have them critiqued by someone whom they respect. I've been very pleased with the writing skills of the clerks I've hired from Wake. I've also had the pleasure of serving as a judge on quite a number of moot court proceedings at the Law School as one of a trio of judges, and we've all been very impressed with the writing and oral skills of the students."

Judge Eagles also observes, "When I was in law school, legal writing was an ancillary thing that you did in order to get through your work, but now there is far more enthusiasm and support for teaching law students to write with greater clarity and ease."

Current and recent students might argue the point about "ease," but clearly three elements that make the program as strong as it is are small classes, a very demanding curriculum, and an extensive orientation program. Christine Nero Coughlin has been Director of the LRW program since 2001, and she points out, "In addition to the practical skills that students learn in our program, they are learning to think like lawyers, which is the key competency that the first year of law school is geared to teach. Our program is very rigorous, but also very supportive. Most LRW programs require two pieces of formal legal writing in the first semester; we require four. That means our students, even in the summer after their first year, have considerably more experience in researching and writing usable legal documents. Additionally, our program consists of three semesters of LRW, compared with the two semesters required by the curricula of most law schools." In addition, the first full week of law school is devoted to the LRW program. During this week, the students are introduced to legal analysis and reasoning. They receive 14 hours of classroom instruction and spend a half-day building a Habitat for Humanity house. The off-site construction project establishes the concept that being a part of the legal system entails giving back to the community. "We think that this intensive week allows our student to enter their doctrinal classes with the skills necessary to participate fully in the learning process."

"We are preparing lawyers to work for the next 50 years. The substantive law is going to change, which is why those foundational skills of research, analysis and writing are so important. They will be used throughout any legal career, while specific points of law that might be learned in law school may well be superceded."

— Dean Robert K. Walsh

Legal research and writing courses are much more interactive and less lecture-oriented than was the case a generation ago. Coughlin says, "We make sure that students are engaged in understanding the processes and that means structuring our classes to be effective with each style of learning. In addition, students have at least one individual conference with their professor, and their work is closely reviewed throughout the year."

Another innovation in LRW teaching is looking beyond the analytical paradigm. Coughlin explains, "We try to structure LRW assignments so that students acquire skills across the entire gamut of the lawyering process, which might include interviewing clients, reading depositions, looking through medical records, listening to a hearing, or reviewing employment records. We try to humanize the process, and help students develop the ability to know first where to look for facts that will be relevant, and then how to cull what is pertinent."

Legal research has been profoundly changed by the emergence of the Internet and commercial electronic databases. Coughlin says that the technology is obviously a terrific aid in many instances, but "When and how to use online assisted legal research and when to hit the books is a new type of judgment that law students have to learn to make. Of course our students are trained in the use of such sources as Westlaw and Lexis. This can very quickly turn up helpful material, but the specificity of the search tool can sometimes be a negative. For example, a query to a database is very narrowly limited by the researcher's choice of words, and a relevant case might not surface if the judge used a synonym rather than the word in the query. By contrast, researchers using books refer to digests with indexes that reflect the content and ideas of cases, rather than just keywords. We think it is important that students know how to use traditional hard copy research resources because sometimes firms don't have access to or have limited access to computer assisted legal research. We want to make sure they are proficient in both kinds of research."

She continues, "We emphasize process, so that students will know research methods and be able to choose the best way to proceed for each task. Students are so thankful after they graduate — they are very glad that they can do library research, even though it seems so old-fashioned to many of them while they are in law school. The online resources are very good but they are only as good as your searches. You can miss some big cases."

Coughlin's experience as a practicing lawyer gives her a perspective on legal research and writing that is highly valued by students; other LRW faculty members also bring real-world experience to the classroom. Coughlin states, "The LRW faculty has diverse and significant legal experience from the courtroom to the boardroom. Our professors have worked as judicial clerks, in large and small law

"Writing skills are critical because you can know all the law there is to know, but if you can't express it, it doesn't help your client. It's great to know all the law, but it's even better to know a lot of law and also have the ability to share it with the court in a persuasive way. If a legal maxim applies but nobody cites it or points out its pertinence, it doesn't matter."

— Chief Judge Sidney S. Eagles, Jr., North Carolina Court of Appeals

Beyond THE CAMPUS

Wake Forest's LRW faculty have built reputations as leaders in the emerging field of legal research and writing instruction. Coughlin says, "We work with other law schools in North Carolina to share resources in an effort to improve the teaching of this subject across the state. This takes place by way of the North Carolina Legal Writing Consortium. Once a year we have a seminar, to which everyone in the state who teaches legal writing is invited. It's a one-day workshop with speakers who make presentations on best practices and lessons learned. The inaugural Consortium seminar was held here, and has rotated to other law schools since then. Word is very positive in the field, and last year the University of South Carolina asked to join. We're proud of how it has helped to build relationships."

"Beyond our state, our faculty have been publishing articles, and speaking to other legal writing faculties across the country. This fall, Barbara Lentz and Laura Graham went to Stetson University to speak to the Southeast Regional Legal Writing Conference. They have been invited to speak at the National Conference, as has Tracy Coan."

Previous national platforms for Wake Forest LRW faculty include Chris Coughlin's presentation to the Institute for Legal Writing on the creative use of multi-media materials in the LRW curriculum. Miki Felsenburg and Luellen Curry spoke at that national forum on the topic of incorporating social justice issues in the classroom. Their presentation was well-received and sparked a national discussion on the issue. The Institute for Legal Writing is planning a follow-up panel at the next conference.

firms, as in-house counsel and for Legal Aid." Dixie Wells recalls that her LRW teacher John Korzen was practicing and teaching at that time, and that as a result he brought an especially vivid perspective to his classes.

Dean Deborah Parker puts the interplay between LRW and hands-on practice another way: "I hardly know any lawyers who don't go to work and write at least something each day. The skills we teach in LRW are the indispensable foundation of a successful legal career."

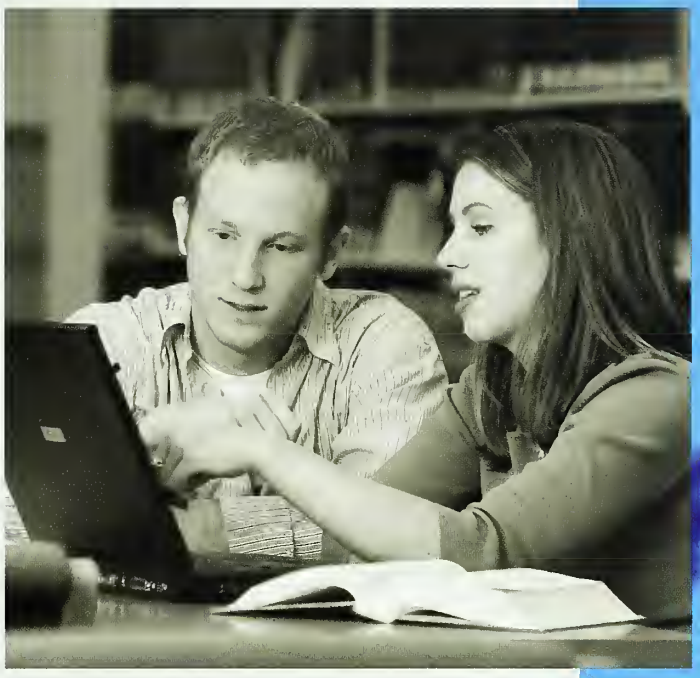
That skill set goes well beyond the basic tools of the trade. "The work in the third semester of LRW is entirely dedicated to the appellate process. We usually choose a problem that involves a complex federal statute, with multiple relevant cases, possibly conflicting opinions from different federal circuit courts," says Miki Felsenburg, who has administered the appellate advocacy component of the LRW program. "Our problems require sophisticated research skills, and each student produces a brief that argues one side or the other, and presents an oral argument. It's one of the first opportunities that arise in law school for students to have a chance to act as real advocates for a client, and students become very engaged in that role."

More than practical lawyering skills are involved. Felsenburg points out that "One of the skills we teach students is how to be an advocate. This requires that they set aside their personal biases. That's why, if I have any indication that a student has particular inclinations (conservative/liberal or prosecution/defense) I will be sure to assign them the side that contrasts with their bias. That fosters an appreciation of the importance in our system of the need for advocacy on both sides, since it forces students to see the case from a perspective that is unfamiliar and counter-intuitive for them."

The third semester of LRW is one of the features that sets a Wake Forest law graduate apart from many peers. Felsenburg reports that graduates tell her they often find themselves serving as LRW tutors to other new associates, because they have had this three-semester, highly structured program that has prepared them to go out and do what lawyers do. Another graduate recently e-mailed to say 'Most lawyers can research and discover what the law is. Creating a winning product from that research is where WFU lawyers have a distinct edge.'

In the Spring 2004 semester, Coughlin and Parker will team-teach a third-semester LRW section in which students will work on a current, real-world case. Student briefs will be compiled, drawing on the strongest components of each, into a final brief that will be submitted to the North Carolina Court of Appeals on behalf of the Guardian Ad Litem program. Coughlin says, "This hasn't been done before in our program, but we are excited about the innovation, and feel it is another step toward closing the gap between law school and actual practice."

Competence in the full spectrum of legal research and writing has become part of the Wake Forest University School of Law reputation. When Dixie Wells was considering which law school to attend, she consulted with several friends who had attended different law schools. "What I heard from those who had attended Wake Forest, which I did not hear from my friends who went elsewhere, was, 'I felt very well-prepared to go out into practice,' and 'I got a lot of individual attention.' Both of those things were true of the School of Law overall, but they were particularly in evidence in the LRW classes."



The intensive focus LRW faculty bring to the development of each law student's writing skills is rewarded by reports from graduates. As Dean Parker describes it, "What makes this such a fulfilling teaching role is when you are slogging through the seventeenth memo in a pile on a single subject — which I will not pretend is entertaining — and the phone rings. It's a former student, clerking for a federal judge, calling to say that she just got back the first memo she prepared in her new job, and there wasn't a mark on it. That's what we live for."

CORPORATE GOVERNANCE: MUSINGS ON THE NEW WORLD

BY B. SCOTT BURTON ('82, JD '86)

FOLLOWING THE PERFECT STORM

ENRON. WORLDCOM. GLOBAL CROSSING. HealthSouth. The echoes created by the crashing of these institutions continue to resonate throughout corporate boardrooms. Reacting to media pressure, public perceptions and the downward spiral of major financial markets in the United States, Congress and the two most significant stock exchanges quickly created new measures designed to prevent corporate misconduct and mandate corporate accountability. This flurry of activity, fueled by an attempt to restore confidence in the financial markets, resulted in Congress' adoption of the Sarbanes-Oxley Act of 2002 ("Sarbanes-Oxley" or the "Act") and the adoption of numerous new rules and regulations by the New York Stock Exchange and NASDAQ that regulate how public companies are to conduct their business. Likewise, recent state law developments continue to refine director conduct by placing even greater emphasis on the directors' duty to act with due care and in good faith. Finally, current and future investigations by state attorneys general and other regulators and lawsuits by various corporate constituents will exert further pressure on corporations and their directors. Given the needs of corporate clients to comply with the vast array of new requirements and to adopt and refine corporate governance practices, attorneys, both inside and outside counsel, will play a pivotal role in assuring a corporate client's success in this new world.

Corporate boardrooms, both public and private, are adjusting to a new reality. While this article will not dissect the details of Sarbanes-Oxley, it is important to note that Sarbanes-Oxley contains a plethora of new laws affecting public companies including, among others, provisions dealing with CEO/CFO certifications (both civil and criminal), prohibitions on loans to directors and executive officers, "whistleblower" protection, disclosure requirements, corporate governance, auditor independence, expanded criminal provisions, accounting oversight and standards and analyst conflicts of interests. While the Act does not mandate a majority of independent directors, it does define director independence for audit committee purposes. In contrast, the major stock exchanges will require that independent directors must comprise the majority of the board of directors. The major stock exchanges will also require independent nominating/corporate governance and compensation committees. Especially for public companies, the new reality is a world of increased pressure on directors, greater need for expert advisers and prompt consideration of new corporate governance and control practices. While prompted by the conduct of public companies, this reality will also expand to the governance practices of both private and nonprofit companies and will affect mergers and acquisitions practices.

These corporate governance initiatives are not limited to the United States. For example, major European market centers have also undertaken similar initiatives: The Higgs Review on Non-Executive Directors and the Smith Report on Audit Committees (United Kingdom); The Bouton Corporate Governance Report and the Financial Security Law (France); and The Transparency and Publicity Act and the Cromme Corporate Governance Code (Germany). For international companies that are impacted by all or many of these initiatives, country coordination of corporate governance and internal control procedure by management and, as importantly, by counsel is critical to effective compliance worldwide. Despite the different manifestations of new governance and control mandates, one thing remains clear — today's corporate world will reward those companies that adopt the best practices and it will punish those that do not.

Given the needs of corporate clients to comply with the vast array of new requirements . . . , attorneys . . . will play a pivotal role in assuring a corporate client's success in this new world.

PRIVATE COMPANIES ARE NOT IMMUNE

Although private companies are not generally subject to the regulations under Sarbanes-Oxley, certain provisions of the Act do apply to all companies, public or private. Specifically, provisions of the Act addressing records retention (Section 802), securities fraud (Sections 803 and 804) and whistleblower protection (Section 1107) are universally applicable. Likewise, the fine tuning and evolution of corporate governance procedures will impact many, if not most, private companies. In addition, many private companies need to govern themselves with very close attention to Sarbanes-Oxley for the simple reason that they hope to go public someday. Such companies will need to be in compliance with the Act (and any applicable stock exchange rules) at the moment they file their registration statement for their initial public offering. While the seemingly burdensome requirements of the Act may compel such companies to stay private (and perhaps motivate some small public companies to "go private"), the ripples created by Sarbanes-Oxley and the circumstances that created it will undoubtedly affect private companies in their corporate governance and in their day-to-day business.

Moreover, those private companies that hope to be acquired by public companies should expect a due diligence process (and corresponding representations and warranties in the stock purchase agreement) with heightened emphasis on corporate governance standard and internal controls. As discussed below, if a public company is the potential acquirer, the CEO and CFO of the acquirer are going to be very concerned with the due diligence findings as these officers will

be attesting to the financial information of the target following the acquisition.

Private companies that have no aspirations of going public or being acquired will likely face heightened requirements in their day-to-day dealings. For example, lending institutions may insist on representations and covenants concerning corporate governance and financial controls in their lending documents. Insurance companies are also likely to assess the corporate governance and financial control risks in their underwriting of director and officers insurance. Likewise, private companies participating in joint ventures or other material relationships with public companies may find that their "partner" will insist on assurances with respect to corporate governance procedures and financial controls.

Those private companies that adopt the discipline encouraged by the new regulations may find themselves much improved organizations. Instituting better corporate governance and controls cannot help but foster better relations with investors, employees, suppliers and customers. The lawyer's task is to assist the private company client with assessing those corporate governance initiatives that will enhance the client's business and to advise the private client as to how to best adopt them for the client's particular business enterprise.

THE IMPACT ON NON-PROFIT CORPORATIONS

Just as their private company counterparts, nonprofit corporations should not ignore the increased attention to the need for good corporate governance. As with private companies, certain provisions of Sarbanes-Oxley apply to nonprofit corporations. Since directors of nonprofit corporations have fiduciary duties as well, it is likely that the best practices for nonprofit corporations will be largely defined by developments under the Act and similar events.

Attorneys for nonprofit corporations may wish to counsel their clients in possibly adopting new or augmenting existing corporate governance practices. Foremost among items that should be considered are the adoption of a code of ethics, the establishment of a governance committee, the adoption of director nomination protocols and the creation of an effective audit committee. While nonprofits have the ability to select those initiatives they wish to follow, their constituents (beneficiaries, donors and the public — i.e., potential donors) will most likely focus on the transparency of the organization and the corresponding impact upon reputation.

THE IMPACT UPON MERGER AND ACQUISITION ACTIVITY

It is inescapable that Sarbanes-Oxley and the various stock exchange rules will have an impact on merger and acquisition activity. Most obvious is the effect upon the due diligence process and the corresponding negotiation and documentation of transactions.

In the context of an acquisition of a public company by another public company, some comfort may be gained from the fact that the target is subject to the Act prior to the acquisition. However, the acquirer must perform satisfactory due diligence to ensure that the combined entity's compliance will be satisfactory following consummation of the transaction. The potential acquirer must expand its financial due diligence to include far more than the financial statements' compliance with GAAP. Additionally, the potential acquirer will need to examine all of the target's transactions, liabilities and obligations that could impact the financial condition of the target and must understand the target's critical accounting policies. In this respect, it is unclear whether representations and warranties will be a satisfactory safety net for the acquirer, possibly necessitating other protections, such as a pre-closing audit.

> Although it will not be popular from a profit and loss perspective, the reality is that successful companies must equip themselves with adequate legal resources for preemptive efforts and day-to-day corporate governance.

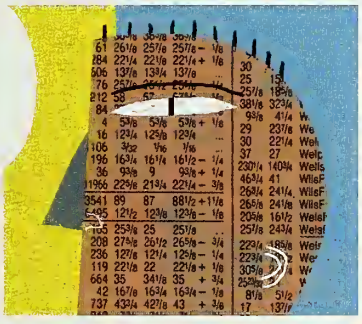
These concerns are intensified in the context of a public company's acquisition of a private enterprise. The acquirer will place even more emphasis on the due diligence process in evaluating a target's internal controls and audit practices, director and officer compensation, governance procedures and significantly, the target's compliance and ethics culture. One can also expect that the content of representations, warranties, covenants and conditions in acquisition agreements will be affected by this change in environment. Issues such as the "GAAP qualification" of financial statements will be more hotly contested during negotiations. Further, acquirers will expect targets to give more robust representations and warranties (and corresponding covenants and conditions) on matters such as off-balance sheet transactions, the state of financial controls, loans to officers and directors, and compliance with laws. Covenants respecting access to the target post-signing and pre-closing will also likely be far more detailed so that the potential acquirer can feel comfortable in satisfying its obligations that immediately arise at closing.

The corporate lawyer must be prepared to negotiate these items and, more significantly, must be prepared more than ever to explain the transaction in full detail to their client's board of directors. Good boards will scrutinize the depth of the due diligence and the specifics of the trans-

action and with healthy skepticism, ask the tough questions. It is anticipated that many of these public company trends will find themselves in the context of purely private acquisitions.

ROLE OF COUNSEL AND BEST PRACTICES

Significantly, Sarbanes-Oxley mandates so-called "up-the-ladder" reporting requirements for attorneys "appearing and practicing" before the SEC. These regulations require internal and external counsel to report evidence of material violations of securities law, material breaches of fiduciary duties or similar violations of law by an issuer, officer, director, employee or agent of the issuer. In the first instance, any alleged violation is reported to the chief legal officer (CLO) or to the chief legal officer and the chief executive officer. If an appropriate response is not forthcoming, the reporting attorney is required to report, "up-the-ladder" to the audit committee, another committee of independent directors or to the full board. As an alternative to reporting to the CLO and/or the CEO, the rules allow reporting of material violations to a qualified legal compliance committee (QLCC) composed of at least one member of the audit committee (or another committee consisting of solely independent directors) and two or more directors who are not employed, directly or indirectly, by the company. There are advantages and disadvantages of both structures and each company will need to create a reporting system based on its own specific situation.



Furthermore and partially in response to the regulatory flurry, in April 2003, the ABA Task Force on Corporate Responsibility released its recommendations on corporate governance. Of particular note with respect to the role of attorneys, the Task Force, among other things, recommended that:

> *The general counsel must be actively involved in providing the board with sufficient information and analysis that they need to fulfill their duties;*
>
> *The attorney representing a public company serves the interests of the company regardless of the personal interests of that company's individual constituents; and*
>
> *The general counsel of a public company has the primary responsibility for ensuring that the company implements an effective compliance system under the board's oversight.*

Also of interest is the Task Force's recommendation that "courts, law schools and lawyer professional organizations . . . should promote awareness of, and adherence to, the professional responsibilities of lawyers in their representation of public corporations."

Legal counsel, both in-house and outside, are finding new challenges and pressures under the new regime. Increasingly, companies will need to staff themselves with experienced, highly skilled lawyers to handle the ever-growing complexity of today's corporate and transactional environment. In-house legal staff must have the experience and expertise to identify and assess the array of issues at hand, partner with expert outside counsel when necessary, and deliver the best legal solutions for the matters at hand. This situation may cause a board of directors or a general counsel to reassess its company counsel resources and outside counsel relationships. They should ask themselves, "Are my lawyers sufficiently skilled and adequately provided with resources so that they can detect and engage the issues that need to be discovered in the organization?" This assessment is not to suggest that in-house departments duplicate the resources found in a major firm but rather to ensure that the company has a good starting point. Although it will not be popular from a profit and loss perspective, the reality is that successful companies must equip themselves with adequate legal resources for preemptive efforts and day-to-day corporate governance.

Boards and audit committees will be asking tough questions of the general counsel and of expert outside counsel. In turn, counsel must to be well prepared but more importantly they will need to be frank with these constituents. The role of the lawyer was well summarized by the Hon. E. Norman Veasey, Chief Justice of the Delaware Supreme Court during recent remarks at Wake Forest University School of Law:

> *Above all, I think the corporate lawyer should have the courage of a modern day Atticus Finch. There are times when the general counsel or other lawyer for the corporation should exercise her professional responsibilities by helping to facilitate a proper business strategy and good faith, prudent entrepreneurial risk-taking by competent legal analysis and guidance. But, perhaps more importantly, she should not fear the responsibility to "just say no" to a board or management bent on a questionable or potentially reckless course of conduct. Just saying "no" poses risks for the lawyer, particularly in terms of tenure for inside counsel or retaining a paying client for outside counsel. But that is one of the risks a professional must take.*

Coping with the new reality will require attorneys be nimble in order to deal with and provide advice with respect to the changes that are yet to come. They will have to be ever more well-informed, creative, and courageous in dealing with a corporate client that needs the good corporate lawyer's assistance to be successful in today's marketplace. ⚖

—B. Scott Burton is the Corporate General Counsel of ING America Insurance Holdings, Inc.

Alumni Notes

1963

WAYNE E. JORDAN ('60, JD '63) retired as vice president and senior trust advisor with First Union National Bank after 38 years. He and his wife, Jean Hunt Jordan ('61), live in Southern Pines, NC, where they fill their time with church and community activities, travel, recreation, and grandchildren.

RALPH WALKER ('58, JD '63) presents a copy of *Alternative Dispute Resolution in North Carolina, A New Civil Procedure* to Dean Walsh. Walker served on the ADR Book Committee, a joint committee of the N.C. Bar Association Dispute Resolution Section and the N.C. Dispute Resolution Commission, which organized and published this book.

FRED G. MORRISON JR. (JD '63) has been reappointed to the N.C. Sentencing and Policy Advisory Commission. He also serves as chair of the administrative law section council of the N.C. Bar Association.

1964

SIDNEY S. EAGLES JR. ('61, JD '64), Chief Judge of the North Carolina Court of Appeals has announced his retirement from the Court in January 2004. He will join the Raleigh office of Smith Moore LLP in February. He has served on the Court of Appeals for 21 years and as Chief Judge for 5. Eagles served in the Office of the NC Attorney General as reviser of statutes, head of legislative drafting, leader of the Special Prosecutions Division and later as Counsel to the Speaker of the House of Representatives until he began the private practice of law in the Raleigh firm of Eagles, Hafer and Hall. He ran and was elected to the Court of Appeals in 1982. He is a long time member of the Law School's Board of Visitors.

1967

DON A. DONADIO ('65, JD '67), with Womble Carlyle Sandridge & Rice in Raleigh, NC, is among the top real estate practitioners listed in the first edition of *Chambers USA: America's Leading Business Lawyers.*

John W. Griffis Jr.

JOHN W. GRIFFIS JR. ('66, JD '67) has an office in Winston-Salem and practices both local and international law with a focus on corporate, commercial and financial transactions.

1968

KEN A. MOSER ('65, JD '68), with Womble Carlyle Sandridge & Rice in Winston-Salem, is on the list of top banking and finance lawyers in *Chambers USA: America's Leading Business Lawyers.*

1970

EDGAR B. GREGORY (JD '70) is a District Court Judge for the 23rd Judicial District in Wilkes County, NC. He was elected vice president of the N.C. Association of District Court Judges.

BOB LEONARD ('66, JD '70) was inducted into the Wake Forest Sports Hall of Fame for basketball.

ROBERT C. STEPHENS JR. ('67, JD '70) is in construction law at Hamilton Gaskins Fay & Moon PLLC in Charlotte, NC. He is president of the Mecklenburg Bar Foundation and one of Business North Carolina's "Legal Elite."

1972

GEORGE THOMPSON MILLER ('68, JD '72) and his wife, Kristie, celebrated their 35th wedding anniversary.

1973

ALFRED G. ADAMS ('68, JD '73), with Womble Carlyle Sandridge & Rice in Winston-Salem, is among the top real estate practitioners listed in *Chambers USA: America's Leading Business Lawyers*.

H. PAUL MCCOY JR. ('70, JD '73) is president of the N.C. Association of District Court Judges, chair of the N.C. Court Improvement Project and co-chair of two of its sub-committees. He is serving on the Board of Governors of the N.C. Judicial Conference and as commissioner on both the N.C. Advisory Council for Juvenile Justice and Delinquency Prevention and the N.C. Sentencing Commisson. He also implemented a pilot program for family financial mediation, dealing with equitable distribution cases.

1975

BILL WHEELER (JD '75) was a first lieutenant in the U.S. Army and served as infantry officer with the First Cavalry Division in Vietnam in 1967. He was wounded in combat and later decorated. His uniform, medals and other military equipment have been included in a war exhibit in the High Point Historical Museum in High Point, NC.

1976

GREG C. GASKINS ('70, JD '76) is director of finance and finance key business executive for the City of Charlotte, NC.

S. JOHNSON HOWARD (JD '76) is Vicar of Trinity Church-Wall Street, the 1697 historic church in downtown New York. He was elected Bishop Coadjutor of the Episcopal Diocese of Florida and will serve with the present bishop until his retirement. He will then assume the office of diocesan bishop. He and his wife, Marie, have two sons, Augustus (21) and Charles (18).

UNITED STATES DISTRICT JUDGE WILLIAM L. OSTEEN presents a Wake Forest Law School lapel pin to V.V. Kuznetsov, Chairman of the Supreme Qualifying Collegium, at a Conference of the Chairs of the Russian Judicial Qualifying Collegia in Petrozavodak, Karelia. Judge Osteen and JUDGE PETER W. BOWIE (BA '64) were invited to the conference to make presentations on the U.S. judicial system.

1977

ROBERT A. MULLINAX SR. (JD '77) is with Mullinax & Williams PLLC in Newton, NC. He is on the board of directors of Eastern Catawba County Christian Ministry, a member of the Newton-Conover Educational Foundation, and recently began serving a four-year term as Mayor of Newton. His son, Robert Jr. (JD '04) is a Wake Forest law student.

1978

GARZA BALDWIN III (JD '78) was listed in *Chambers USA: America's Leading Business Lawyers* for corporate mergers and acquisitions. He is with Womble Carlyle Sandridge & Rice in Charlotte, NC.

Leon E. Porter

LEON E. PORTER (JD '78) is general counsel and secretary of Jefferson-Pilot Communications Company, a subsidiary of Jefferson Pilot Financial in Greensboro, NC.

1979

PATRICIA L. HOLLAND (JD '79) is with Cranfill Sumner & Hartzog LLP in Raleigh, NC. She was recognized by Business North Carolina as a member of the "Legal Elite" for the second year in a row.

1980

Howard L. Borum

HOWARD L. BORUM (JD '80) has been recognized by Business North Carolina as a member of the "Legal Elite" in real estate/construction law.

PEYTON T. HAIRSTON JR. (JD '80) is senior vice president, employee relations and diversity, for the Tennessee Valley Authority. He has been with TVA for 10 years.

1981

JACK W. ELLIOTT ('78, JD '81) is president and CEO of Cohen & Grigsby PC in Pittsburgh, PA. He and his wife, Mary Jo Cunningham Elliott ('80), live in Upper St. Clair.

CHRIS SWECKER (JD '81) has been with the Federal Bureau of Investigation since 1982. He was dispatched to Iraq to lead their efforts investigating the deadly bombings.

1983

ELOISE MCCAIN HASSELL (JD '83) is a full-time lecturer of business law at the UNC-Greensboro Bryan School of Business and Economics. She received the 2003 UNC-G Alumni Teaching Excellence Award.

CHRIS E. LEON (JD '83) was honored in *Chambers USA: America's Leading Business Lawyers* for banking and finance. He is with Womble Carlyle Sandridge & Rice in Winston-Salem.

1984

BRIAN A. GALLAGHER (JD '84) is vice president of risk management and governance for NDCHealth in Atlanta. He recently married Kathy Jordan in White Sulphur Springs, WV.

1985

TIM G. BARBER (JD '85), with Womble Carlyle Sandridge & Rice in Charlotte, NC, was honored in *Chambers USA: America's Leading Business Lawyers* for litigation.

DAN BARRETT ('81, JD '85) is a 2004 candidate for governor of North Carolina.

Thomas C. Grella

THOMAS C. GRELLA (JD '85), with McGuire Wood & Bissette PA in Asheville, NC, was elected Secretary of the Law Practice Management Section of the American Bar Association.

1986

CLIFFORD P. BRITT ('82, JD/MBA '86) is with Comerford & Britt LLP in Winston-Salem, focusing on medical malpractice and catastrophic injuries. He is legislative vice president of the N.C. Academy of Trial Lawyers and a member of the executive committee of the Board of Governors.

BOBBY RAY GORDON (JD '86) is a protection officer with the United Nations High Commissioner for Refugees Office in Herat, Afghanistan, under the SURGE Project between the International Rescue Committee and UNHCR.

1987

KIMBERLEE S. LAPIE (JD '87) is senior attorney in the real estate practice group of Akin Gump Strauss Hauer & Feld LLP in Washington, DC.

1988

GREGORY D. CONFORTI (JD '88) is with Johnson & Bell Ltd. in Chicago. He was honored as one of the "40 Attorneys Under 40 in Illinois to Watch" by the Law Bulletin Publishing Company.

Gregory D. Conforti

1989

DANIEL M. SROKA (JD '89) represents small businesses and start-up companies as a solo practitioner in Greensboro, NC.

John M. Flynn

1990

JOHN M. FLYNN ('87, JD '90) has been named managing partner at Carruthers & Roth PA in Greensboro, NC.

Allison Moore Grimm

ALLISON MOORE GRIMM (JD '90), with Brooks Pierce McLendon Humphrey & Leonard LLP in Greensboro, NC, is co-chair of the community projects committee for the Greensboro Bar Association.

1991

Jean C. Brooks

JEAN C. BROOKS (JD '91), with Brooks Pierce McLendon Humphrey & Leonard LLP in Greensboro, NC, is co-chair of the community projects committee for the Greensboro Bar Association.

MARK CONGER (JD/MBA '91), with Kilpatrick Stockton LLP in Winston-Salem, was recognized in the *American City Business Journal's* "40 Under 40."

1993

ED WILSON JR. (JD '93) was appointed a Superior Court Judge by N.C. Governor Mike Easley.

RITA R. WOLTZ (JD '93) is system counsel for the Virginia Community College System in Richmond, VA.

MICHAEL G. YOUNG (JD '93) is on the Federal Mine Safety and Health Review Commission in Washington, DC.

1994

WILLIAM R. DERASMO (JD '94) is a partner at Troutman Sanders LLP in Washington, DC, in the energy practice group. He and his wife, Jennifer, and daughter, Kelly Ann, live in Fairfax Station, VA.

J. STEVE GARDNER (JD '94), with Kilpatrick Stockton LLP in Winston-Salem, was recognized by the *American City Business Journal* on its list of "40 Under 40."

MICHELLE FOURNIER INGLE ('91, JD '94) is an associate counsel in the legal department at FBL Financial Group Inc. in West Des Moines, IA. She took four years off to stay home with her daughters, Hannah and Katherine Elizabeth.

MICHAEL MCCORMICK (JD '94) is practicing corporate and commercial law, specializing in bankruptcy, with Dukes Dukes Keating & Faneca PA in Gulfport, MS.

DOUG O'CONNELL (JD '94), who served with the Army Reserve Special Forces in Iraq, is now a special assistant U.S. Attorney.

1995

JEFFREY A. KRAMER (JD '95) is with Lowenstein Sandler PC in Roseland, NJ.

BOYD STURGES III ('91, JD '95), with Davis Sturges & Tomlinson in Louisburg, NC, is on the Board of Directors at First Citizens Bank in Franklin County, NC.

1997

PAUL J. DITZ (JD '97) has been named a partner with Flowers Martin Moore & Ditz PA in Shelby, NC.

A TRIBUTE

DANIEL W. FOUTS
8/2/32 - 6/2/03

ON JUNE 2, 2003, Wake Forest School of Law lost one of its strongest supporters when Daniel W. Fouts passed away.

Many who knew Dan well will think of his many accomplishments over his lifetime of private practice, but the story starts three years earlier. Dan was well known and appreciated for his "class notes" that were passed down from class to class until either the course or the law changed. Those notes were like Dan: concise, organized, thorough. And, in typical Dan fashion, shared with those "in need." His bookshelves were filled with "book awards," from the time-honored tradition of awarding a book to the student who "booked" the course with the highest grade. Of course, you didn't know this from Dan. Only later WFU graduates recognized all those books for recognition of his academic success.

His office proudly displayed a print of Wait Chapel. His favorite fishing trips were with the "Deacon Fishing Bunch." Much of his free time was devoted to the Chief Justice Joseph Branch Inn of Court, for which he was a charter member and President at the time of his death. He also took pleasure in serving on the Board of Visitors for the School of Law. The WFU flag could even be spotted at the front door of his home. There was no part of his life untouched by his ties to WFU.

Dan was born and raised in Burnsville, North Carolina. His father was a "double Deacon" who attended Wake Forest College and Law School. Dan enjoyed telling the story of how his father, Dover Fouts, was a "pioneer" in condominium law — buying the top half of a building in Burnsville long before condominiums were created. He also joked about his father being a pioneer in "multi-jurisdictional practice" by having law offices in both Burnsville and nearby Spruce Pine.

Dan was married to Ann Fisher Fouts for 48 years. Their three children are Arlesa ("Lesa") Fouts Leopold (Wake Forest, B.A. *cum laude,* 1981), who is married to Vincent Leopold; Daniel W. ("Chip") Fouts Jr., who is married to Cindy Sherrill Fouts; and Alfred Davis ("Dave") Fouts, who is married to Catherine Adams Fouts. He adored his three grandchildren, Rose, Daniel and Reece.

Dan went to college at Wake Forest, but his education was interrupted with his Army service in the Korean War. Upon return from military service, Dan went straight to law school and received his L.L.B. *cum laude* in 1958, which was converted to a J.D. in 1970. Dan took great comfort that the date on his replacement degree gave the impression he was a lot younger.

After clerking for North Carolina Supreme Court Justice Carlisle Higgins, Dan began to practice law in 1959 with the law firm now known as Adams Kleemeier Hagan Hannah & Fouts. He was senior partner at the time of his death.

Dan served as a member of the North Carolina Bar Association Board of Governors. He was elected to serve on the North Carolina State Bar Council. He served as President of the 18th Judicial District Bar and President of the Greensboro Bar Association. He also served as Chairman of the Local Rules Committee for the United States

District Court for the Middle District of North Carolina.

Dan served in the United States Army during the Korean War. He spent 16 months in Korea. Later, he served in the Army Reserve, being promoted to Brigadier General (ret.). When he retired, he was the highest ranking officer in the JAGC, U.S. Army Reserve. Many years of his reserve duty were as a member of the 422nd Civil Affairs Battalion in Greensboro. Typical of Dan, he would not let you address him as "General Fouts".

Dan served the Greensboro community in many ways. He served nine years on the Greensboro Housing Commission, three years on the Board of Guilford Technical Community College, seven years on the Board of Humana Hospital — Greensboro, and two years on the Veterans Affairs Commission. He was an active member of West Market Street United Methodist Church. He continued to teach Sunday School up until his death.

Dan was recently honored by the North Carolina Bar Association by his election into the General Practice Section Hall of Fame. He was selected to be included in the most recent edition of the "Best Lawyers in America." He was also honored to be a Fellow in the American College of Trial Lawyers and a permanent Member of the Fourth Circuit Judicial Conference.

A short biography of his father had this to say:

"PROFESSIONALLY DOVER R. FOUTS APPLIED HIS LIFE AS A LAWYER TO EXCELLENT SERVICE IN THE HIGHEST TRADITIONS OF THE LEGAL PROFESSION. HE WAS DILIGENT, PROFESSIONALLY RELIABLE AND STRICTLY ADHERED TO ETHICAL STANDARDS. HIS ABILITY AND INTEGRITY WERE RESPECTED AND HONORED. HE REFLECTED HIGH CREDIT UPON THE LEGAL PROFESSION."

Like father, like son.

Dean Robert Walsh recently had this to say about Dan: "We like to say that there is something special in terms of integrity, professionalism, and competence about Wake Forest lawyers. Dan was the epitome of the great Wake Forest lawyer."

Dan's professional legacy is his service to WFU, his loyalty and dedication to the Adams Kleemeier law firm, his mentoring of all who sought his counsel, and his deep and abiding friendship. Those who knew Dan know that WFU lost a part of its soul. He will be remembered as a southern gentleman and scholar. He will be missed by all whose lives he touched.

— By Margaret Shea Burnham (JD '83)

1999

R. MICHAEL CHANDLER (JD '99) has joined NATHAN M. HULL (JD '99) to form Hull & Chandler PA, in Charlotte, NC, specializing in civil litigation, estate planning and corporate law.

KETTI KVARTSKHAVA (LL.M '99) practices commercial law at a law firm in Russia. She has been an in-house counsel with Commercial Bank Absolute, a commercial law advisor of the USAID Caucasus, graduated from "Aspirantura" of the Tbilisi State University, and taught International Private Law at Tbilisi State University. She is pursuing a degree of Candidate of Sciences at Tbilisi.

DAVID B. MCLEAN (JD '99) is with Hunter Higgins Miles Elam & Benjamin in Greensboro, NC. He practices elder law and guardianship and plans to expand into real estate and small business organizations.

STACEY D. RUBAIN (JD '99) is practicing workers' compensation and insurance defense with Orbock Bowden Ruark & Dillard PC in Winston-Salem.

BEN SCHWARTZ (JD '99) is in transportation law at Dennis Corry Porter & Smith in Atlanta.

DIXIE THOMAS WELLS (JD '99) is with Smith Moore LLP in Greensboro, NC.

2000

BRIAN J. CHAPURAN (JD '00) is part of Operation Iraqi Freedom, initially stationed in Kuwait and then at Tallil Airbase, near An Nasiriyah. He is the legal advisor and prosecutor for the 36th Engineer Group, dealing with many issues including legal advice on designing and building an enemy prisoner of war camp in accordance with the Geneva Convention.

BRIAN F. CORBETT (JD '00) and his wife, Morgan Poteat Corbett ('98), and son, Charlie, have moved to Raleigh, NC. He is with Poyner & Spruill LLP.

MICHELLE DHUNJISHAH (JD '00) is in the U.S. Army JAG Corps stationed at Fort Jackson, SC.

CHRISTOPHER M. TREBILCOCK (JD '00) is in the labor and employment group of Miller Canfield Paddock & Stone PLC in Detroit.

Christopher M. Trebilcock

2001

JASON R. BENTON ('98, JD '01) is practicing torts and insurance in the litigation department of Parker Poe Adams & Bernstein LLP in Charlotte, NC.

CHRISTOPHER JENNINGS (JD '01) is counsel to Commissioner Peter Kirsanow of the U.S. Commission on Civil Rights in the Bush administration. He will focus on constitutional civil rights.

ALEX ROTH (LL.M '01) received his Ph.D. in law from the University of Bern, Switzerland. He is working in a prosecutor's office in Germany.

ALEXANDER P. RYAN (JD '01) is with Bell Davis & Pitt PA in Winston-Salem.

2002

Catherine Pappas Garas

CATHERINE PAPPAS GARAS (JD '02) is an associate in the commercial litigation section of McGlinchey Stafford PLLC in New Orleans, LA.

JENNIFER N. MASON (JD '02) is in the regulations of business and governmental relations department of Parker Poe Adams & Bernstein LLP in Charlotte, NC.

C. Edward Teague III

C. EDWARD TEAGUE III (JD/MBA '02) completed a federal judicial clerkship in Greensboro, NC, and is with Kilpatrick Stockton LLC in Winston-Salem.

HEATHER HOWELL WRIGHT (JD '02) is on the litigation team at Smith Moore LLP in Greensboro, NC.

JOCHEN ZAREMBA (LL.M '02) is practicing information technologies, telecommunications, corporate and international law with Lehner Danekamp Mayer & Knorz in Dusseldorf, Germany. He published an article, "International Electronic Transaction Contracts Between U.S. and EU Companies and Customers," in the *Connecticut Journal of International Law* (Spring 2003).

2003

CRYSTAL BOWMAN CREWS (JD '03) is on the litigation team at Smith Moore LLP in Greensboro, NC.

Laura Abernathy Greer

LAURA ABERNETHY GREER (JD '03) is practicing commercial litigation with Kilpatrick Stockton LLP in Winston-Salem.

MONICA R. GUY (JD '03) is a member of the Forsyth County and N.C. Bar Associations and is practicing family law at Bell Davis & Pitt PA in Winston-Salem.

AMANDA E. KELLEY (JD '03) is an associate with Leitner Williams Dooley & Napolitan PLLC in Chattanooga, TN.

TRENNA K. OAKLEY (JD '03) is practicing family wealth planning and corporate law in the corporate department of Dinsmore & Shohl LLP in Cincinnati, OH.

Trenna K. Oakley

MARRIAGES

CARYN CHITTENDEN (JD/MBA '93) and Robert S. Craige. 6/28/03 in Williamsburg, VA. They live in Charlotte, NC.

DIXIE THOMAS WELLS (JD '99) and L. PATRICK AULD ('92). 7/12/03 in Southport, NC. They live in Greensboro, NC. The wedding party included Jay Beddow ('92), Jennifer VanZant Cross (JD '94), Michelle Holl (JD '99), Shannon Joseph (JD '95), Tiffany Massing ('95), Sarah Sparboe Thornburg (JD '96) and T.M. "Marc" Vinson ('91).

MICHELLE DHUNJISHAH (JD '00) and Philip August Betette. 6/03

JEFFREY JAMES OWEN ('97, JD '00) and LISA HANNAH CORT ('95). 6/28/03 in Burnsville, NC. The wedding party included Leah Austin ('96, JD '01), Patricia Lynn Beauchamp ('94), Nancy Stacy Copeland ('95), Carolyn Ray Cort (MD '70), David Arthur Cort (MD '70), Heidi Dorothy Cort ('97), Charles B.Q. Davis (JD '01), Carrie Cort Friesen (MD '04), Christopher John Leonard ('96, JD '99) and Revill Ramsey Mallory ('97).

APRIL SUZANNE STEPHENSON ('95, JD '00) and Chad Wayne Culver. 7/12/03 in Asheville, NC. They live in Four Oaks, NC.

J. ERIC CRUPI (JD '01) and Renee Esfandiary. 11/15/03

KELLIE LEE (JD '02) and Steven Caggiano. 8/2/03 in Longboat Key, FL. The wedding party included Amy Oshman (JD '02).

SHELLEY JO SLAUGHTER ('00, JD '03) and DAVID LAWRENCE HOLDEN ('99). 5/24/03 in Oxford, NC. The wedding party included Dede Banks ('00), Alys Embry Brown ('00, MSA '01), Sunny Chiou ('98), Noell Craig ('02), Bret Cunningham ('99), John Fagg (JD '02), Lawrence "Chip" Holden ('73), Charlie King ('98), Laura Montgomery ('99), Judd Reed ('99), Josh Schwartz (MD '03), Amine Tharrington Seifert ('00), Jean King Signor ('99), Jordon Simpson ('04), Julia Wareing ('00) and Jessica Williams ('99).

Jeffery James Owen and Lisa Hannah Cort wedding

BIRTHS/ ADOPTIONS

PAUL A. STEPHENS JR. (JD '75) and Mary Jane Stephens, Snellville, GA: adopted a daughter from Cambodia, Natalie Rameth, born 9/22/98. She joins her two sisters.

ROBERT O. CRAWFORD III ('81, JD '84) and Renee Billings Crawford, Raleigh, NC: adopted a son, Robert "Robbie" Edward (now 2 1/2) from Russia in 2002. He joins his sister, Abby (8).

DAVID G. LERNER (JD '85) and Deborah A. Lerner, Orlando, FL: a son, Christopher Albert. 9/23/03

CURTIS R. "RANDY" SHARPE JR. (JD '85) and Mary Ella Sharpe, Conover, NC: a daughter, Rachel Marie. 8/11/03. She joins her sister, Rebecca Elizabeth (2).

BIM E. TUDOR III (JD/MBA '86) and Beverly Tudor, Nashville, TN: a son, Albert Dillon. 8/11/03. He joins his sister, Nikki.

DAVID C. WAGONER ('86, JD '90) and JENNIFER MARTIN WAGONER (JD '90), Keswick, VA: a son, William "Will" Reese. 6/11/03. He joins his sisters; Morgan, Caroline and Katherine.

ALEX BASS III (JD '92) and Misti Bass, Graham, NC: a son, Brandon James. 9/12/03

JOHN R. GREEN JR. (JD '92) and Adrienne M. Green, Cary, NC: twins, Ann Rachel and Daniel Joseph. 9/11/03

JAY M. ASHENDORF (JD '93) and Erin Ashendorf, Charlotte, NC: a son, Isaac Michael. 8/20/03. He joins his sister, Lily (3).

RICHARD D. SOULTANIAN (JD '93) and LISA KENNEDY SOULTANIAN (JD '95), Basking Ridge, NJ: daughters, Olivia Eloise and Madeleine Isabelle. 9/28/03

JEFFREY A. KRAMER (JD '95) and Heather Watson-Kramer, Basking Ridge, NJ: a daughter, Sophie Elizabeth. 2/5/03

ROBERT J. RAMSEUR JR. ('92, JD '95) and Amanda Long Ramseur, Raleigh, NC: a daughter, Amanda Walker. 10/25/02

KAREN YETKA KNUTSON (JD '96) and Kent Knutson, Arlington, VA: a son, Matthew. 2/24/03

JOHN C. SAYDLOWSKI ('93, JD '96) and GRACE WEATHERS SAYDLOWSKI ('94), Charlotte, NC: a daughter, Millicent McLean. 5/15/03

ALICE CARLTON BRAGG ('92, JD '97) and BENTON S. BRAGG ('90, MBA '97), Charlotte, NC: a daughter, Frances Catherine. 5/30/03. She joins her brothers, Ben (3) and Carlton (1 1/2).

MARK E. EDWARDS ('94, JD '97) and ELIZABETH JONES EDWARDS ('93), Nashville, NC: a son, Spencer Thomas. 11/29/03

SARAH BERDAHL ROANE (JD '97) and JAMES M. ROANE III (JD '99), Greensboro, NC: a daughter, Nicole Elizabeth. 6/26/03

VIRGINIA DOCKERY WEBB (JD '97) and William Woodward Webb Jr., Raleigh, NC: a daughter, Anna Settle. 10/4/03

DIANA PUKNYS SCHAD (JD '98) and MATT O. SCHAD (JD '98), Arlington, VA: a daughter, Abigail Elizabeth. 11/5/03

AMY MCMAHAN CRAWFORD ('96, JD '99) and David J. Crawford, Asheville, NC: a son, Cole Alexander. 5/12/03. He joins his brother, Jacob (2 1/2).

BRETT D. WEBER ('96, JD '99) and CAMERON BADER WEBER (JD '01), Charlotte, NC: a daughter, Meredith "Carson." 10/20/03

KIRSTEN "KIKI" DUNTON (JD '00) and John R. Hugill, Tallahassee, FL: a daughter, Abigail Elizabeth. 10/8/03

E. BLAKE EVANS (JD '01) and Linn Evans, Salisbury, NC: a daughter, Emerson Laine. 5/7/03

CLAYTON WILLIAMS CHEEK ('95, JD/MBA '02) and JOAN "JODY" KING CHEEK (MBA '00), Elizabeth City, NC: a daughter, Addison "Addie" Yates. 5/14/03

C. EDWARD TEAGUE III (JD/MBA '02) and E. Hillary Greason, Winston-Salem: a daughter, Mary Elizabeth. 8/7/03

DEATHS

WILLIAM ALLEN MARTIN (JD '36), October 13, 2003. He was retired from Shelby Mutual Insurance Company after 29 years of service. He is survived by two sons, daughters-in-law, grandchildren, and great-grandchildren. Memorials may be made to Guilford Park Presbyterian Church, 2100 Fernwood Drive, Greensboro, NC, 27408, or to Wake Forest University, Attn: Diana Faulkenberry, PO Box 7227, Winston-Salem, NC, 27109.

DAVID M. HARRIS (JD '39), May 16, 2003.

JACK LINDON DONNELL ('43, JD '47), July 28, 2003. He was retired from Jefferson Pilot, where he was president of Jefferson Pilot Title Insurance Company, and worked in real estate law at Smith Helms Mulliss & Moore in Greensboro, NC. He was past president and emeritus member of the N.C. Land Title Association and an honorary member of the Tennessee Land Title Association. Surviving are his wife, three daughters, including Patricia D. Petree ('76), and four grandchildren.

CHARLES ANDERSON HOSTETLER SR. (JD '49), June 10, 2003. He was a former State House Representative, lawyer, chief deputy insurance commissioner, county attorney for the Hoke County commissioners, and board attorney for the Hoke County Board of Education. He was also a former member of the Wake Forest Alumni Council. He is survived by his wife, two sons, a daughter, and eight grandchildren.

STANLEY JAMES CORNE (JD '50), November 2, 2003. He had a general law practice, now Corne, Corne & Grant PA, in Newton, NC, and was past president of the Catawba County Bar Association and the 25th District Bar Association. He was a former member of the Wake Forest Law Alumni Council and is survived by a son and daughter-in-law, and two grandchildren.

FRANK O. GOSLEN (JD '51), November 4, 2003. He was owner of Southeastern Adjustment Company of Greensboro, NC, and president of SEACO Corporation. He is survived by his wife, three sons, a daughter, and two grandsons.

NAPOLEON "POLI" BONAPARTE BAREFOOT ('55, JD '58), September 17, 2003. He was in private law practice in Wilmington, NC. He served as assistant district solicitor, District Court Judge, and Superior Court Judge. He is survived by his wife, Emily Weeks Barefoot ('55), three children and eight grandchildren.

THEODORE CECIL BROWN JR. (JD '59), November 5, 2003. He was a retired Lieutenant Colonel in the U.S. Army Reserve and retired from the State of North Carolina in the inheritance tax division, a deputy Attorney General, Clerk of the Court of Appeals, and attorney on the public staff of the Utilities Commission. After retirement he practiced in a private setting. He is survived by his wife, daughter, and son.

JAMES OTIS ICENHOUR (JD '89), August 22, 2003. He was a retired Lieutenant Colonel in the U.S. Air Force and practiced law in Taylorsville, NC. He earned his law degree at the age of 66 and at his final retirement received the Legal Aid of North Carolina Pro-Bono Award. He is survived by his wife, two sons, a daughter, and six grandchildren.

Martin Garcia (JD '81)

Distinguished by Loyalty

Martin Garcia with his daughter, Candace.

IN CONVERSATIONS WITH MARTIN GARCIA, it quickly becomes apparent that a special accord exists between Garcia and Wake Forest University. He attributes much of his professional success to his learning experiences while attending Wake Forest Law School. "I learned at Wake that the most rewarding aspect of the law was being of service to others, and I developed a deep appreciation for the values and integrity associated with a Wake Forest education. I have tried to carry these values and sense of integrity with me in all of my professional endeavors," Garcia said.

This warm and special relationship between an individual and an institution began conventionally enough, in 1978, when Garcia was finishing an undergraduate accounting degree at the University of South Florida. After considering business school and deciding instead to pursue a law degree, Wake Forest University School of Law was his first choice in law schools, largely due to its reputation for molding fine trial lawyers. Because his LSAT score was on the low end of those accepted to Wake, he called to inquire about arranging an interview with the admissions committee to try to improve his chances of being accepted.

The admissions director informed him regretfully that the law school did not interview prospective students. After Garcia refused to take "no" for an answer, the admissions director acknowledged that if he were to show up on campus, "They wouldn't exactly refuse to talk to me," as Garcia recalls. He did indeed show up and was granted a half-hour interview with Dr. Divine (who served as the chairman of the admissions committee at the time). The 30 scheduled minutes stretched into virtually an entire day, as Garcia attended each of Dr. Divine's classes, and they spent the day getting to know one another. That somewhat unusual introduction to the law school (and subsequent enrollment) is an example of what Garcia sees as one of Wake Forest's abiding virtues: the willingness to look beyond a standardized test score and instead rely more on a personal experience to judge someone's character, work ethic and ability to achieve success.

As Garcia sees it today, "I am confident that it was my visit with Dr. Divine that resulted in my admission to the law school, and the impression this made upon me was that Wake Forest was more interested in my character, undergraduate achievement and work ethic than what I was not able to accomplish during a 3-hour standardized test." This personalized interest that the law school takes in its students was further evident to Garcia the first week of law school — "my legal bib professor was Professor Rose, and the first week he gave us a difficult research assignment that required us to spend many late nights in the library, but right there with us into the late hours of the night was Professor Rose." Throughout Garcia's law school experience, Professor Rose and other professors were always available to help.

Nearly twenty years after earning his J.D., Garcia's memories of Professor Rose's dedication to his students led Garcia to create the Professor Charles Rose Scholarship Fund. This need-based scholarship is designed to attract to Wake Forest hardworking students with a strong character and interest in public service.

Professor Rose's recollections of Garcia are equally vivid. He recalls that, in the first week of his Legal Writing and Research class, "I assigned a kind of scavenger hunt for cases, and Martin and couple of his friends were very highly motivated, had lots of questions, and were very determined to make sure they knew exactly what they needed to do. His work ethic was very strong, in and out of the classroom."

"In fact, the summer before he started law school, he purchased a large house near campus, refurbished it and rented out the extra bedrooms to other law students. The cash flow covered his expenses while he was here, and I'm pretty sure he made a profit when he sold it after graduation. His entrepreneurial instincts and abilities were very much in evidence, and he wasn't afraid of risk or hard work in pursuit of a goal."

About the scholarship in his name, Rose says, "It was a huge surprise. I like the idea of the scholarship making a Wake Forest education available to students with financial need and who have demonstrated a strong character and an interest in being of service to others. I know it's important to Martin to give back, or pass on, the opportunity that he found here, which was the chance to develop into the best lawyer he could be. I think he especially values the easy give and take between faculty and students, and the strong sense of community throughout the School. I feel very honored by it."

Garcia speaks with evident affection about the supportive atmosphere of the School, and comments, "That first semester was the most challenging academic experience of my life, and being involved in something that rigorous led to the development of some extraordinarily close relationships. I made best friends there who are to this day best friends."

Among those friends is Rick Kopf, who cherishes the community spirit he experienced at Wake, and shares Garcia's belief in the importance of effort and diligence. Kopf, a founder and partner in a large, successful Dallas law firm recalls, "Martin was never going to be outprepared by the other guy when he was a trial lawyer, and he never says no to a challenge to this day. Our families go on ski trips together, and no matter how steep the slope, Martin's always game. I know he was a wrestler as an undergraduate, and he might not have been the most gifted wrestler, but sometimes superior conditioning can prevail over natural gifts. Martin always made sure he was in the best possible shape. Today he spends a lot of his time as an assistant wrestling coach at his younger son's school, which is another way he's putting in time and effort to pass along the values that he believes in so strongly."

Discipline and effort have characterized Garcia's career in multiple fields of endeavor. While attending undergraduate school, he organized the purchase of a 20-unit apartment complex and managed it for four years. He also purchased, renovated and rented a boarding house during law school to subsidize his tuition and living expenses.

After earning his J.D., Garcia returned to Florida to work as a trial lawyer in Tampa, Florida. He enjoyed the work, but the lure of real estate proved irresistible. "The fun part of real estate for me is finding the opportunities, negotiating them and closing them, which is not so different from trial work. Both are transaction related." Opportunities were abundant to purchase commercial real estate at bargain prices in the early 1990's, so Garcia took a partial leave of absence from his law firm in early 1992, and concentrated his efforts on acquiring office buildings. Over a six-year period of time, he acquired over 1.5 million square feet of office buildings and created operating companies to manage, lease and develop these assets. He sold that portfolio and the related companies to a publicly traded REIT in early 1998. He then took a year to devote himself almost exclusively to his family, especially attending the athletic activities of his three children. Garcia speaks with affection about his three children: his eldest daughter Candace who graduated from Brown University earlier this year and is now a first-year law student at Wake Forest; son Gates, who is a freshman at Colgate University, where he plays football; and younger son Garrett, currently a high school sophomore.

In early 2000, Garcia formed an investment company that invests in a broad range of assets, including real estate, debt, private and public equities. In addition, he serves on the Florida Judicial Qualifications Commission, about which Garcia says, "It's a humbling responsibility to sit in judgment of others, as our job as the smallest constitutional agency of the Florida government is to investigate and preside over judicial misconduct in the State of Florida." He serves on the board of directors for two publicly traded companies and is a member of the board of trustees of a charitable foundation. He also proudly serves on the Board of Trustees of Wake Forest University.

According to David Sousa, a former trial lawyer and now a business executive, who was a classmate and is a friend of more than twenty years' standing, awesome responsibilities sit lightly on Garcia. In fact, Sousa says, in business situations in which conflict looms, or the outcome is especially significant, he readies himself by thinking the situation through in terms of "How would Martin handle this?" When Sousa's son, then 13, met Garcia for the first time, his comment afterward was, "Dad, I've never met anyone like him. Someone I liked so much, so soon."

Looking back on their time together in law school, Sousa recalls that Garcia "was one of those people who didn't speak very frequently, because he had nothing to prove. But when he did speak, people listened. That is true to this day. He has a way of finding very simple, direct language that is extremely persuasive and effective. He is a rare individual and an incredible cheerleader for the University."

Garcia says that the best measure of success of a person or an institution is not by how much they have but by how much they give. By this measure, Garcia says Wake Forest and its people demonstrate success every day, and he is delighted that his daughter Candace will now enjoy and benefit from the same Wake Forest experience. Garcia says "just like me, Candace is being mentored by Professor Rose and others. They fortunately have a lot more to work with than they did with me, and I am confident the end product will be better." ⚖

2003-04 Firm Rep Program*

FIRM, LOCATION, AND FIRM REP (WITH CLASS YEAR)

This year the Firm Rep Program has been changed from a spring event (April-June) to the fall (November-December). The program will continue to be a fall event in the years following. We hope that if you are a part of this program it is not an inconvenience for you. Listed below are the firms that are participating in the Firm Rep Program this year, with the name of the representative that is heading up the program. There are 34 firms that are participating, representing over 400 law school alumni.

Adams Kleemeier Hagan Hannah & Fouts — Greensboro, David Senter '81, JD '84
Alala Mullen Holland & Cooper — Gastonia, Reid McGraw JD '89
Alston & Bird — Atlanta, Steve Ensor JD '85
Alston & Bird — Charlotte, Dick Lupo JD '85
Bell, Davis & Pitt — Winston-Salem, Dan Quesnel JD '99
Blanco Tackabery Combs & Matamoros — Winston-Salem, Reg Combs '76, JD 78
Brooks, Pierce, McLendon, Humphrey & Leonard — Greensboro, Forrest Campbell, Jr. JD '90
Carruthers & Roth — Greensboro, Mark Hartman JD '00
Cranfill, Sumner & Hartzog — Raleigh, Robert Sumner '67, JD '70
Hedrick Eatman Gardner & Kincheloe — Charlotte, Jeff Kadis JD '94
Helms Mulliss and Wicker — Charlotte , Landis Wade JD '83
Ivey, McClellan, Gatton and Talcot — Greensboro, Robert McClellan JD '78
Johnston, Allison and Hord — Charlotte, Paul Kohut JD '83
Kennedy Covington Lobdell & Hickman — Charlotte, Gene Pridgen MBA '75, JD '78
Kilpatrick Stockton — Charlotte, Kurt Lindquist, II JD '83
Kilpatrick Stockton — Raleigh, Jim Cain '79, JD '84 and Chris Matton JD '94
Kilpatrick Stockton — Winston-Salem, Drew Veach JD '99
Maupin Taylor — Raleigh, Mark Thomas '75, JD '78
Moore and Van Allen — Charlotte, Joe Fernandez JD '97
Parker, Poe, Adams and Bernstein — Charlotte, Grant Whitney, Jr. '76, JD '79
Parker, Poe, Adams and Bernstein — Raleigh, Catherine Arrowood '73, JD '76
Poyner & Spruill — Charlotte, Megan Tedrick JD '00
Poyner & Spruill — Raleigh, Dan Cahill JD '94
Poyner & Spruill — Rocky Mount, David Warren '81, JD '84
Smith, Anderson, Blount, Dorsett, Mitchell & Jernigan — Raleigh, John Madden JD '83
Smith Moore — Greensboro, Rob Kidwell JD '98
Tuggle Duggins and Meschan — Greensboro, Peter Evenson, Sr. JD '77
Vernon, Vernon, Wooten, Brown, Andrews & Garrett — Burlington, Steve McRae JD '00
Ward & Smith — Greenville, New Bern, and Wilmington, Merrill Jones '90, JD '97
Williams Mullen — Richmond, Greg Habeeb '98, JD '01
Womble Carlyle Sandridge and Rice — Raleigh, Rob Fields JD '84
Womble Carlyle Sandridge and Rice — Winston-Salem, Jim Phillips '74, JD '77
Wyrick, Robbins, Yates & Ponton — Raleigh, Kemp Sherron, III JD '84
Young Moore & Henderson — Raleigh, Rudy Ogburn '79, JD '82

**The Firm Rep Program is an annual grassroots fund raising program for the Law Fund. Firms with five or more Wake Forest law alumni are invited to participate. If your firm is interested in participating and has five or more alumni, contact Mike Roach at (336) 758-5884 or roachjm@wfu.edu.*

GIVING BRIEFS

FUNDRAISING TOTALS

BELOW ARE THE 2003-04 goals and mid-year results for both the Law Fund and our overall program. All results are as of December 31. We would like to thank those of you who have already made a gift to the Law Fund this year, and encourage those who haven't to please consider giving before June 30!

	Law Fund	Overall
Goal for 2003-04 year:	$690,000	$2,500,000
Total raised to date:	$345,555	$ 916,509
Donor goal for this year:	1,750	1,950
Current donor count:	964	1,067

2003 REUNION WEEKEND

THE CLASSES OF **1953**, **1963**, **1973**, **1978**, **1983** and **1993** celebrated their reunions the weekend of November 14 & 15. Class gatherings took place Friday night, and on Saturday morning there was a Moot Court demonstration, tour of the Worrell Professional Center, and lunch for the members of all classes. We would like thank everyone who attended, and we hope you enjoyed reconnecting with former classmates.

THE CLASSES OF **1954**, **1964**, **1974**, **1979**, **1984** and **1994** will celebrate their reunions next fall. If you are in one of those classes and would be interested in helping with your reunion, please call Mike Roach, Assistant Director of Law Development, at (336) 758-5884, or email him at roachjm@wfu.edu.

FALL TELETHON

WE HAD A VERY SUCCESSFUL telethon in September. Over four nights we raised $84, 010 from 701 pledges, compared to last year when we raised $77,640 from 627 pledges. We would like to thank all those who made a pledge during the telethon.

We will hold our spring telethon in February this year, so if you have not made your gift by then, you may hear from us. If you prefer not to be called during our spring telethon, please contact Mike Roach at either roachjm@wfu.edu or (336) 758-5884.

OUR GIFT TO YOU

You can make a gift to Wake Forest, and we'll give back to you guaranteed lifetime income. If you are considering a gift to Wake Forest, and have highly appreciated stock paying a small dividend or Certificates of Deposit coming due, you may wish to consider a Charitable Gift Annuity. In addition to guaranteed lifetime income, some of which may be tax-free, you may also benefit from:

- A HIGHER PAYMENT AMOUNT
- AN IMMEDIATE CHARITABLE INCOME TAX DEDUCTION
- REDUCED CAPITAL GAINS LIABILITY
- PROFESSIONAL INVESTMENT SERVICES

The following table provides some of the age-related rates for a single life gift annuity (rates will be lower for two-life annuities):

LIFE GIFT

Age	*Rate*	*Effective Rate**
85	9.5%	14.3%
80	8.0%	11.8%
75	7.1%	10.0%
70	6.5%	9.0%
65	6.0%	8.0%

* Effective rate assumes a cash gift and a 28% marginal income tax bracket. Higher brackets produce an even higher effective rate.

For more information about this and other planned giving opportunities, please contact:

C. Bryan Link (MBA '03)
Director of Law Development
P.O. Box 7227
Winston-Salem, NC 27109-7227

Call (336) 758-5537

Online: www.wfu.edu/campaign (under "Ways of Giving")

Wake Forest
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